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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LARRY LOUIS MATAYES,

14 Defendant.

Case No. 2:07-CR-00159-KJD-RJJ

15  
16 **ORDER**

17 Before the Court is Defendant's Renewed Motion to Amend (#37). The Government  
18 responded to the Motion (#38).

19 Defendant asks this Court to give him credit for time served. Calculation of time served in a  
20 federal sentence is governed by 18 U.S.C. § 3585(b). United States v. Lualemaga, 280 F.3d 1260,  
21 1265 (9th Cir. 2002). The Supreme Court has held that § 3585(b) does not authorize a district court  
22 to compute credit for time served. United States v. Peters, 470 F.3d 907, 909 (9th Cir. 2006) citing  
23 United States v. Wilson, 503 U.S. 329, 334-35 (1992). Rather, the Attorney General is authorized to  
24 make such calculations. Wilson, 503 U.S. at 334-35. Defendant's proper recourse is via  
25 administrative remedies and avenues, not through the Court.

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### III. Conclusion

**IT IS HEREBY ORDERED THAT** Defendant's Renewed Motion to Amend (#37) is **DENIED. IT IS FURTHER ORDERED** that Defendant's Motion to Amend (#35) is **DENIED** as moot.

DATED this 30th day of August 2013.



Kent J. Dawson  
United States District Judge